

IN THE SUPREME COURT OF OHIO

09-0571

Nellie Washington Roy : On Appeal from the
Appellant : Butler County Court
vs. : of Appeals, Twelfth
James Washington, : Appellate District
Appellee : Court of Appeals
Case Nos: Ca2007-05-131
CA2007-05-132

MEMORANDUM IN SUPPORT OF JURISDICTION

Nellie Washington Roy
622 Willow Springs Drive
Dayton, Ohio 45421
Phone: (937) 262-8515

James Washington
639 Liscum Drive
Dayton, Ohio 45427
Phone: (937) 263-9520

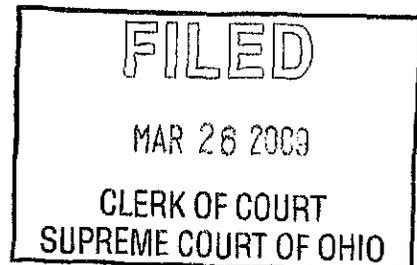


TABLE OF AUTHORITIES

CASES

Glover v. Tower 700 F. 2d 556 (9th Cir, 1933 affirmed
and remanded, 467 U.S. 914 (1984); DeFrank v. Powlosky
480 D. Supp. 115, 118 (W.D. Pa. 1979) affirmed 633
F. 2d 209 (3d Cir. 1980)1

CONSTITUTIONAL PROVISION: STATUTES

Ohio Revised codes, 2105, 21131,1
42 U.S.C. 1982 and 1985,1

IN THE SUPREME COURT OF OHIO

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Proposition of Law No.1: It is Mandatory that
that The Probate Division of the Court of
Common Pleas, Butler County to Probate the
affairs of the estate of Ezra W. Washington for
its named heirs, and due to the Intentional
Failures to probate the "TOTAL CONTENTS", the
court has violated the Ohio Revised codes 2105,062,
2113.61, 2107.21 governing same, depriving the
heirs of their constitutional rights to their
Inherited estate.

Proposition of Law No.II : The abrupt filing of
Law Suits by the City of Middletown Eminent Domain
Program has induced the properties to be sold
without being probated, violating the heirs con-
stitutional rights manifesting a hardship upon the
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EXPLANATION OF WHY THIS CASE IS A CASE OF
PUBLIC OR GREAT GENERAL INTEREST AND
INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION

I. This case presents issues for Citizens of the United states, (1) that have experienced and deprived of their rights to ownership or inherited of inherited properties, (2) for new citizen that are migrating to the United States of America to be knowledgeable of their rights in becoming a citizen of America.

For Thirty-seven years, the Butler County Probate Courts have continuously refused to probate the affairs of the Estate of Ezra W. Washington for the named heirs in the Will of the deceased (C.A. Washington Sr., brother, C.A. Washington Jr., named first executor, Nellie Wasahington, named secon Executrix and James Washington, nephew) depriving them of their inherited estate.

For this cause, the Butler County Courts have exhibited TOTAL DISCRIMINATION IN THE PROCEDURES OF THE FILING OF THE WILL OF THE DECEASED WITHOUT THE TOTAL CONTENTS according to the Ohio Revised Codes 2105, 2113.61 under the Jurisdiction 42 U.S.C. 1982 and 1985, which section provides:

"All citizen of the United States and Territory shall have the same rights in every state and territory as is enjoyed by white citizen there of to inherit, purchase, lease, sell, hold and convey real and personal property"

Glover v. Tower 700 F. 2d 556 (9th Cir.1933), affirmed and remanded, 467 U.S .914 (1984); DeFrank v. Powlosky, 480 D. Supp. 115,118 (W.D. Pa. 1979) affirmed 633 F. 2d 209 (3d Cir.1980)

II. The Court officials being in collusion with the City of Middletown Eminent Domain program enforced sale upon properties that had not been probated for the heirs by the court to cover their wrong doings which brings about another problem of the Court of Common Pleas entertaining the suit filed against heirs for property that was not properly probated rendering judgment in favor of the City of Middletown(CV81-01-0072) The City of Middletown Eminent Domain program requested clear title for sale, but heirs could not produce clear title. To sell property without clear title is a criminal offense. This case was appealed in the Butler County Court of Appeals (Case No. 82-11-0110) The Supreme Court of Ohio (Case No. 83-1562) and the U.S. District Court (C-1-86-927). All santioning the Judgment rendered by the Court of Common Pleas, Butler County against the heirs violated the Equal Protection of The Law under the fourteenth amendment of the Constitution of The United States.

III. The present court of Appeal (Butler County) erred in the dismissal of Appellant's Briefs upon technicalities after allowing the appellant privileges to make corrections and submitting of Supplemental brief under (16).

The Court of Appeals erred in exhibiting partiality toward the appellee who was used by the City of Middletown of case CV81-01-0072 and the Court of Appeal Butler County of case No. CA-11-0110 of the sale of properties lot 975 (Eminent Domain) without being probated.

CONSTITUTIONAL QUESTION

WILL THERE BE A CONTINUOUS PROBLEM OF THE
PROBATE OF PROPERTIES FOR THE PUBLIC IN THIS
COMMUNITY BY THE PROBATE DIVISION OF THE
PROBATE DIVISION OF THE COURT OF COMMON
PLEAS, BUTLER COUNTY

Nellie Washington Roy

In support of its position on these issues, the appellant presents the following argument:

ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW

Proposition of Law No.I: It is manadatory that the Probate division of the Court of Common Pleas to Probate the affairs of the estate of Ezra W. Washington for its named heirs according to the Ohio revised codes 2105,062, 2113.61, 2107.21

Proposition of Law No.II

The abrupt filing of law suits by the City of Middletown Eminent Domain Program has induced the properties to be sold without being probated, violating the heirs constitutional rights manifesting a hardship upon the heirs as well as an injustice upon their inherited estate.

CONCLUSION

For the reasons discussed above, this case involves matters of public and great general interest and a substantial constituional question. The appellant requests that this court accept jurisdiction in this case so that the important issues presented will be reviewed on the merits.

Respectfully submitted,
Nellie Washington Roy
Nellie Washington Roy

IN THE SUPREME COURT OF OHIO

STATEMENT OF THE CASE AND FACTS

The case arises from the following facts:

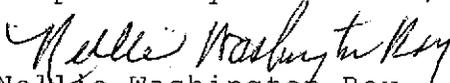
1. The enforcement of sales of properties without without a clear titles through the courts.
2. Prohibitory injunction filed to save properties from demolition. (The City of Middletown)
3. Trustee filed an appeal to claim properties from the state.
4. Estate Staus Hearing December 15, 2006.
TOTAL CONTENT OF ESTATE being filed in the records of E7745
5. COURT HEARING: January 16, 2007
The ousting of trustee by James Washington, heir

NOTICE OF APPEAL OF APPELLANT NELLIE WASHINGTON ROY

Appellant Nellie Washington Roy hereby given notice of Appeal to the Supreme Court of Ohio from the judgment of the Butler County Court of Appeals, Twelfth Appellant District entered in Court of Appeals Case No. Co.CA2007-05-131, and CA2007-05-132.

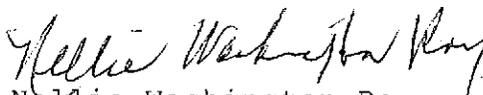
This case raises a substantial constitutional question and is one of public or great general interest.

Respectfully submitted,


Nellie Washington Roy
622 Willow Springs Drive
Dayton, Ohio 45427

CERTIFICATE OF SERVICE

I, certify that a copy of this Notice of Appeal was sent by ordinary U.S. Mail to James Washington, appellee, 639 Liscum Drive, Dayton, Ohio 45427 on March 25, 2009.


Nellie Washington Roy

APPENDIX

APPENDIX

Ohio Revised Codes: 2105, 2113.61

42 U.S.C. 1982 and 1985

Glover v. Tower 700 F. 2d 556 (9th Cir.1933) affirmed
and remanded, 467 U.A. 914 (1984); DeFrank v. Powlosky
480 D. Supp. 115, 118 (W.D.Pa. 1979) affirmed 633
F. 2d 209 (3d Cir.1980)

Certificate of Transfer Form 14:9

Plaintiff's Answer To Conference of September 2, 1983
RESULTS

FILED

1983 SEP 16 PM 4:37

IN THE PROBATE COURT OF BUTLER COUNTY

Hamilton, Ohio

PROBATE COURT
BUTLER COUNTY OHIO
DAVID J. NIEHAUS, JUDGE

IN THE MATTERS OF THE
ESTATE OF EZRA W. WASHINGTON

, (Honorable David J. Niehaus, Judge)
CASE NO. E7745

, PLAINTIFF'S ANSWER
TO CONFERENCE OF SEPTEMBER
2, 1983 RESULTS.

.....

I. Plaintiff states that she received the copies of the amended trusteeship authorization letter, but it is still questionable as to what her trusteeship is positioned, and hereby request verification and authentication of the "TRUST" of which she has been positioned by the court.

 GROUNDS: A. Missing documents in the file of E7745 for the "TRUST" of the Estate of Ezra W. Washington.

 According to Probate Practice of the Ohio Revised Codes 2105-062, 2113.61 which states "when the certificate of transfer is issued, the probate judge should sign and date the form in space provided above the authentication. The original can then be journalized in the court's record. Any number of copies for recording and delivery to the devisees or heirs, can be prepared and authenticated as needed. Authentication is necessary before the certificate is filed with the County Recorder." (Exhibit A P14-31, paragraph 6.)

 Plaintiff hereby request the following copies of the specific documents for the verification with authentication

for the transfer of "TRUST" by the appointed administrator E. F. Forshaw, and said same documents "are" or "will be" recorded and filed in the records of E7745 at the Butler County Probate Court according to the Ohio Revised codes 2105,062, 2113.61.

- A. Application to relieve estate from administration.
- B. Assets and liabilities of estate to be relieve from administrator.
- C. Certified copies of certificates of transfer for properties and assets with authentication for same of the "TRUST" situated in Middletown, Ohio, Dayton, Ohio, Woodlawn-Karnack, Texas and Idlewild, Michigan.
- D. Other necessary documents pertaining to same.

Plaintiff upon research of information states that it has been discovered that improper procedures or no procedures have been used in the affairs of the estate of Ezra W. Washington at the different Probate Courts of both state and foreign counties by the appointed administrator (E. F. Forshaw) according to the Ohio revised codes 2107.21 and 2113.61 in the transfer of real properties as follows:

E. Montgomery Probate Court, Dayton, Ohio

There are no records of the probating of the real properties of the estate of Ezra W. Washington located in Montgomery County at the Montgomery County Probate Court, Dayton, Ohio as follows:

1. Farm located on Farmerville Road in Jefferson township.
2. Farm located on Infirmary Road, in Jefferson township.
3. Lots (3 or 5) located on Ruth and Jerome, Dayton, Ohio
4. Church-2301 Della Avenue, Dayton, Ohio.

P. Harrison County Probate Court, Marshall, Texas

The trustee's letter of authorization was omitted by the administrator E. F. Forshaw in filing of documents at the Harrison County Probate Court.

There are no records of the following real properties being probated as follows:

1. lots located on Border Street,
Marshall, Texas
2. Fifty acres located in Woodlawn-Karnack,
Texas.

G. Lake County Probate Court, Baldwin, Michigan

The probate of properties is questionable, as follows:

1. Lots 44-47, Inclusive, Block 200
Idlewild #3
2. Lots 27 to 30, Inclusive, Block 213
Idlewild #3

H. Butler County Probate Court, Hamilton, Ohio

MISSING DOCUMENTS for the Total Contents and the "TRUST" of the Estate of Ezra W. Washington, in the records of E 7745.

MISSING DOCUMENTS for the real properties situated and located in Middletown, Ohio as follows:

"KNOWN PROPERTIES"

909-911-913 South Main Street
907 South Main Street
506 Eighteenth Street
508 Eighteenth Street
705 Lincoln Street
900 Ninth Avenue
905 Lincoln Street
913 Garden Street
503 Yankee Road
321 Curtis Street
323 Curtis Street
1703 Vermont Street
821 Ninth Avenue
837 Ninth Avenue

II. Plaintiff state that in conference of September 2, 1983, that the court stated that all heirs would be contacted concerning scheduled hearing of October 14, 1983, but upon receiving notice of same, the names of the following heirs were omitted, WHY?

Cervera Alfonso Washington Jr.
Cervera Alfonson Washington III
Ezra W. Washington
Cynthia Washington
Teri Lee Washington
Elliot Washington
Lester Washington
Steven Washington

Plaintiff further states that it is necessary and imperative that all heirs be present at scheduled hearing especially since the whereabouts of Cervera A. Washington Jr. has been made known by his attorney,

MARTHA SCHWARTZMANN
Attorney At Law
1241 State Street
San Diego, California 92101

III. Plaintiff states that it appears of the conference held on September 2, 1983, that the court has been given the impression as others have been given, that plaintiff administered the transactions of the properties of the estate, and to clarify same, Plaintiff states that her trusteeship of "DOUBTFUL TRUST" began on January 1974, and all matters pertaining to the said same transaction of the estate were made by the Administrator Edward A. Forshaw, and William MacBeth, the attorney for estate during the years of 1972 and 1973. Plaintiff further states for further authentic answers concerning the said same transactions of the affairs of the estate,

plaintiff is referring court to the following:

William MacBeth, Attorney
Winters Towers
Winters National Bank
known as Bank One, presently
Dayton, Ohio 45401

Finkleman, Finkleman & Forshaw
c/o Harry Finkleman, attorney
Middletown Savings and Loan Building
Middletown, Ohio 45042

Casper and Casper
Cincinnati Gas and Light Building
Middletown, Ohio 45042
c/o Arthur B. Casper, Attorney

Plaintiff recommend the above to be summoned to court hearing of October 14, 1983.

IV. Plaintiff upon further research of information states according to the probate practice of the Ohio revised code, that the NOTICE OF WAIVER AND CONSENT TO PROBATE WILL should have been signed by all heirs to verify their agreement of same. It appears that the signing of the NOTICE OF WAIVER AND CONSENT TO PROBATE WILL by one heir can only represent himself, which brought about confusion between the first executor and his father (Rev. Cervera A. Washington Sr.) and then concealed same from other heirs by the court's acceptance of same without proper notification to all heirs causing the scheduled hearing for the probate of decedent's will to be annulled, and the total contents of the estate of the decedent being concealed by the court and the attorneys.

V. Plaintiff states that heirs were led to believe that the "TRUST" of Ezra W. Washington (estate) was authentic by the Administrator, and other attorneys, but upon the discovery of "MISSING DOCUMENTS" in the records of E7745

for same, Plaintiffs are declaring "TRUST" as being "FRAUDULENT" and consisting of properties and assets of "DOUBTFUL TITLE" until documents of said same "TRUST" will be recorded and filed in the records of E7745 at the Butler County Probate Court to verify the heirs' ownership of same.

Plaintiff states that she was not pleased with answers given by the Court concerning the "MISSING DOCUMENTS" for the total contents and the "TRUST" of the Estate of Ezra W. Washington, and is doing further research concerning the probate practice of transfer of real properties, and hoping that the court will rectify these matters according to the Ohio Revised Code of the Probate Practice.

WHEREFORE, the plaintiffs pray and demand that the court will investigate the said same administration of the appointed administrator (E. F. Forshaw) of the Estate of the Ezra W. Washington; a title research of the total contents of the estate will be conducted by the court; and documents of the real properties and assets of the Estate (KNOWN AND UNKNOWN) will be recorded and filed in the records of E7745 at the Butler County Probate Court according to the Ohio Revised Code of Probate Practice, and other Probate courts of both state and foreign counties.

Nellie Washington Roy
Nellie Washington Roy, et als
Trustee and Plaintiff
Estate of Ezra W. Washington
622 Willow Springs Drive
Dayton, Ohio 45427

AFFIDAVIT

STATE OF OHIO)
)SS
COUNTY OF MONTGOMERY)

Nellie Washington, aka Nellie Washington Roy, aka Nellie Washington Moreland, being first duly sworn, says that she is the appointed trustee created by Item Five of the last Will and Testament of Ezra W. Washington, late of Middletown, Butler County Ohio, and the allegations contained in the within document are true as she verily believes.

Nellie Washington Roy

Nellie Washington Roy

SWORN TO before me and subscribed in my presence by the said Nellie Washington Roy, this 17th day of September, 1983.

Barbara A. Ervin

NOTARY PUBLIC
BARBARA A. ERVIN, Notary Public
In and for the State of Ohio
My Commission Expires May 1, 1986

cc: Rev. Cervera A. Washington
Cervera A. Washington Jr. c/o MARTHA SCHWARTZMANN
Cervera A. Washington III
Ezra W. Washington
Cynthia Washington
Teri Washington
Elliot Washington
Lester Washington
Steven Washington
James Washington
Kevin Washington
William Washington
William MacBeth
Finkleman, Finkleman & Forshaw
c/o Harry Finkleman
Casper and Casper
c/o Arthur B. Casper
Office of the Disciplinary Committee of the
Supreme Court of Ohio

Form 14:9**REVISED CODE §§ 2105.062, 2113.61****Standard Probate Form 12.1—Certificate of Transfer
[Combined with Authentication]**

(This form commences on the next page. Footnote material follows the form.)

Attach to:

1. *Standard Probate Form 12.0 (Form 14:7 supra), or*
2. *Standard Probate Form 5.0 (Form 2:1 supra) and Standard Probate Form 5.1 (Form 2:1A supra), when the estate contains real property and is being relieved from administration.*

Form 14:9

PROBATE PRACTICE

The real estate, the transfer of which is memorialized by this certificate, is described as follows [describe below, using extra sheets if necessary. If decedent's interest was a fractional share, be sure to so state]:

Date Issued

Probate Judge

AUTHENTICATION

I certify that the above document is a true copy of the original kept by me as custodian of the official records of this Court.

Date

Probate Judge/Clerk

Important:

CERTIFICATE OF TRANSFER

Form 14:9

1 Committee Comments.

**Committee Comments to Form 12.1
(Certificate of Transfer)**

Form 12.1 is the document by which record title to a decedent's real property is transferred, under the various procedures given in RC §§ 2105.062, 2105.063, 2113.09 and 2113.51. These deal, in order, with: transfer of decedent's interest in the mansion house in part or full payment of the surviving spouse's intestate share; transfer of real property subject to a lien in favor of the surviving spouse in respect to the unpaid balance of the specific monetary portion of his or her intestate share; transfer of real estate in an estate which is relieved from administration; and transfer generally.

Contents. The first part of Form 12.1 gives decedent's date of death. Title to real property vests in his successors at his death, and since the certificate of transfer is the title document filed in the County Recorder's office, the date of death is included as a convenience in searching the title.

The second portion of the form provides space for listing the devisees or heirs, their addresses, and the interest each is to receive in the property, e.g. an undivided one-half interest, a life estate, and so on.

The next portion states whether the property is subject to a charge in favor of the surviving spouse, under RC § 2105.063. Space for the amount of the charge and the spouse's name is provided. See, Comments to Form 12.0 (Application for Certificate of Transfer),

under "Charge in favor of surviving spouse."

The reverse of the form provides space for insertion of the description of the realty being transferred (extra sheets may be used if needed).

A form for authenticating the certificate is also included on the reverse of the form. When the certificate is issued, the probate judge should sign and date the form in the space provided above the authentication. The original can then be journalized in the court's records. Any number of copies, for recording and delivery to the devisees or heirs, can be prepared and authenticated as needed. Authentication is necessary before the certificate is filed with the County Recorder.

Serial number. Note that each certificate has space immediately under the main heading for inserting a serial number. It is possible that more than one certificate of transfer may be issued in a given estate, and each should be serially numbered in order to positively identify it for purposes of incorporating it by reference in the application (Form 12.0) and in the entry (Form 12.2, or the entry form in the application). Even if only one certificate is to be issued in an estate, it should be numbered, i.e. the heading of Form 12.1 should read, "Certificate of Transfer No. — 1 —." Note that certificates are serially numbered only within each estate—they are not numbered in continuous series from estate to estate.

Attachment; companion filings. Form 12.1 must be attached to

Form 12.0 (Application for Certificate of Transfer) in every case in which the application is used. See, Comments to Form 12.0.

If an estate contains real property and is being relieved from administration, Form 12.1 must be attached to Forms 5.0 and 5.1 (Application to Relieve Estate from Administration; Assets and Liabilities of Estate to be Relieved from Administration). See, Comments to Forms 5.0, 5.1 and 5.6.

Effective date of standard probate forms. Under Sup. R. 17(B), reproduced at Section 1(C) *supra*, the use of these forms was optional from July 1, 1977 through December 31, 1977. However, as of January 1, 1978 their use became mandatory "and non-standard forms shall be rejected for filing."

* **Certificate for transfer of mansion house.** Under Ohio Rev. Code § 2105.062 on application by the administrator or executor the court must issue a certificate transferring the decedent's interest to the surviving spouse if it finds that the value of the property such spouse is entitled to receive under the laws of descent and distribution is equal to or greater than the value of the mansion house. See Form 14:6, N. 1, *supra*.

Ohio Rev. Code § 2113.61 governs the contents of the certificate of transfer:

....

(C) The court shall issue a certificate of transfer for record in each county in Ohio where real estate so passing is situated which shall recite:

(1) The name and date of death of the decedent;

(2) Whether such decedent died testate or intestate and, if testate, the volume and page of the record of the will;

(3) The volume and page of the probate court record of the administration of the estate;

(4) The names and places of residence of the devisees, the interests to them passing, the names and places of residence of the persons inheriting, and interest by each inherited, in each such parcel of real estate;

(5) A description of each such parcel of real estate;

(6) Such other information as in the opinion of the court should be included.

IN THE SUPREME COURT OF OHIO
DOCUMENTS

May 1, 2007.....The Probate Court
Judgment Entry

May 25, 2007.....The plaintiff's
Answer to Judgment

May 25, 2007.....NOTICE OF APPEAL

June 22, 2007.....The Court of Appeal
Scheduling order

August 24, 2007.....Appellant's Brief

September 12, 2007.....Appellant's Amended
Brief with Motion

October 22, 2007.....Appellant's Supplemental
Brief

October 23, 2007.....SHOW CAUSE ORDER
Appellee by the Court

October 31 2007.....ENTRY DENYING MOTION
TO ADMIT SUPPLEMENTAL
Brief.

November 28, 2007.....MOTION TO OVERRULE
COURT'S DENIAL OF
SUPPLEMENTARY BRIEF

Decenber 4, 2007
ENTRY CONSTRUING MOTION
TO OVERRULE DENIAL OF
SUPPLEMENTAL BRIEF AS
MOTION TO RECONSIDER AND
AND DENYING MOTION

January 18, 2008NOTICE OF APPEAL TO
THE SUPREME COURT OF
OHIO

February 9, 2009.....Judgment Entry

FILED

IN THE COURT OF APPEALS

TWELFTH APPELLATE DISTRICT OF OHIO

2:05 FEB -9 PM 6:04

BUTLER COUNTY

CINDY CARPENTER
BUTLER COUNTY
CLERK OF COURTS

IN THE MATTER OF:

THE TRUST OF EZRA W. WASHINGTON,
NELLIE WASHINGTON ROY, TRUSTEE,

CASE NOS. CA2007-05-131
CA2007-05-132

Plaintiff-Appellant,

JUDGMENT ENTRY

- vs -

JAMES E. WASHINGTON,

Defendant-Appellee.

FILED BUTLER CO.
COURT OF APPEALS

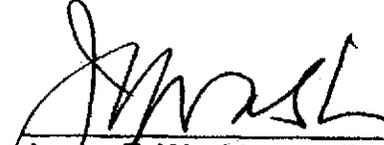
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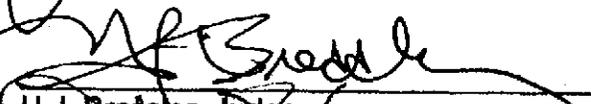
CINDY CARPENTER
CLERK OF COURTS

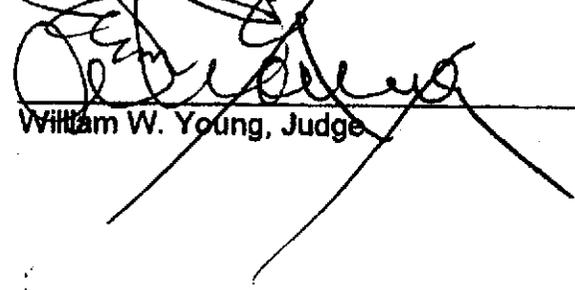
The assignments of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Butler County Court of Common Pleas, Probate Division, for execution upon this judgment and that a certified copy of this Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.


James E. Washington, Presiding Judge


H.J. Bressler, Judge


William W. Young, Judge

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLEER COUNTY

IN THE MATTER OF
THE TRUST OF EZRA W. WASHINGTON,
NELLIE WASHINGTON ROY, TRUSTEE

CASE NOS. LCA2007-05-131
CA2007--5-132

Plaintiff-Appellant,

ANSWER TO OPINION

-VS-

JAMES E. WASHINGTON

Defendant-Appellee

.....

(1) In answering, the plaintiff is appalled that the Court of Appeals has recognized the many problems with the Butler Court of Common Pleas, Probate Division, beginning with the Honorable Harry Walsh, Judge exhibiting: "TOTAL DISREGARD FOR CRIMINATION IN ITS INTENTIONAL FAILURES to probate the affairs of the estate according to the Ohio Revised Codes 2105-062 2113.61 depriving the heirs named in the will of the decedent (Rev. C. A. Washington, brother, C. A. Washington Jr, nephew, first Executor), Nellie Washington, niece, and 2nd executrix James Washington, (Nephew) of their constitutional rights to their INHERITED ESTATE and the succeeding probate divisions have followed same including the present Division.

*Appeals

- A. On May 8, 1970, the decedent's will was admitted to probate by I. A. Casper of Casper & Casper Law Firm, the decedent's attorney of record to the Butler County Court of Common Pleas, Probate Division for C. A. Washington Jr., First Executor named in Will WITHOUT TOTAL CONTENTS.
- B. An official hearing was scheduled for May 19, 1970 by the Court for the reading of the will governing the heirs' inherited estate and ITS TOTAL CONTENTS.
- C. On May 12, 1970, the document NOTICE TO WAIVER, CONSENT TO PROBATE signed by C. A. Washington Sr., heir by possibly trickery or force, filed by I. A. Casper intentionally canceling the official hearing depriving the heirs of the official reading of the will governing their inherited estate and its TOTAL CONTENTS, WHICH WAS NEVER MADE KNOWN TO THE HEIRS BY THE COURT OR JOURNALIZED IN THE FILE OF E7745 for the heirs according to the Ohio Revised Codes.
- D. IT IS FURTHER BELIEVED, DUE TO THE FACT THAT THE SUCCEEDING PROBATE DIVISIONS IN THEIR REFUSAL TO CORRECT THE PROCEDURES SUPPORTS MY BELIEF THAT THE TOTAL CONTENTS WAS AND IS OF GREAT VALUE., AND THE COURT OFFICIALS AND ATTORNEYS INVOLVED HAVE TAKEN TAKEN "TOTAL CONTENTS" FOR THEIR ILL-GOTTEN GAINS AND FORMED A CONSPIRACY TO PROTECT THEMSELVES.
- E. In 1970, the court proceeded its administration of the Estate, in its appointing C. A. Washington Jr., executor without the TOTAL CONTENTS and was instructed to find the properties and met with many difficulties with the attorneys and constituents which ended with a misappropriation Suit filed against him and the taking of his personal properties for same; then the court by-passed second executrix and appointing and annexing an administrator De Bonus Non (Edward A. Forshaw of Finklemana, Finkleman & Forshaw Firm) who defrauded the affairs of the estate, which was discovered by Joyce Marie Tierney, accountant.
- F. In collusion of Edward A. Forshaw and J. B. Carter, the trustee was issued an INVALID CERTIFICATE OF TRANSFER for properties located in the City of Middletown, which is recorded only at the Butler County Recorder's office for tax purposes. Edward A. Forshaw was relieved of his administration of Estate in 1976, and was pronounced as being "DECEASED" at a Court hearing in 1983.

(3,4,5) The changes of the trusteeship. It appears that the old Adage, divide and conquer has been implemented by the court officials through the changing of of the trusteeship in order to destroy the relationship among the heirs rather than bringing together for the purpose of getting rid of their Inherited Estate.

(7,8) When will the Probate division of the court of Common Pleas, Butler County will probate the matters of the Estate according to the Ohio Revised codes 21050-062, 2113.61 and other codes governing foreign properties with TOTAL CONTENTS FOR THE HEIRS?

THIS IS MANDATORY FOR THE HEIRS TO
RECEIVED SAME THROUGH THE COURT AND BY
COURT.

(13) I am disputing this matter due to the fact, the failure
(14) of the probate Division refusal to probate the matters
(15) of the estate according to the Ohio Revised codes for the
heirs depriving them of their constitutional rights in
full to the ownership of their inherited Estate and
the operation and care of same, TOTALLY.

The plaintiff as Trustee:

1. Remodeled the houses in Middletown, Ohio using her personal monies and continued the upkeep of same.
2. Paid taxes for properties. and disputed the records by the tax office causing the foreclosures of same.
As of this date, the Prosecuting Attorney refuses to give full report of tax sale of properties.
3. Insured all properties. two properties were arsoned burned, and monies were given to James by the court as trustee, of which he could have paid for taxes (disputed) and stopped the forclosures.

The heirs have been abused, discriminated against in and by the courts of Butler County, and the higher courts of Ohio. In this Court of Appeals, the plaintiff has been discriminated and abused. (CA81-02-0010

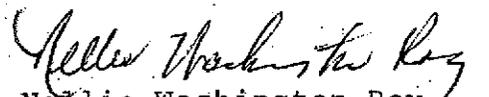
THE TRANSCRIPT- To enter an Appeal, you must contact the Office of the Court of Appeal, Middletown, Ohio to make arrangement for the appeal, which includes the obtaining of the transcript of the lower court and paying of the fee of which ^{was} transacted. However, I have received a check (refund) for the amount of \$79.00 from the Court of Appeal office without an explanation.

*without

However, this explains the invasion of my home beginning of April 5--10,2008, during my stay at the Miami Valley hospital , Dayton, Ohio and other entrances, the taking of my financial records of the estate and personal files which are being recorded with the Dayton Police. It appears that this episode is being manipulated by persons that are acquainted with the entire case of the Estate of Ezra Washington.

WHEREFORE, THE Plaintiff-appellant will file an appeal of Case, an Investigation by the Head Counsel of the Supreme Court of Ohio, due to the discrimination and the neglect of the probating of the Will of the deceased by the Butler county Probate Court for the heirs and the abuse of the other courts of Butler County upon the heirs. due to this NEGLECT by the Probate Division.

Respectfully yours,

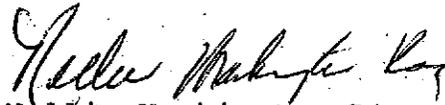

Nellie Washington Roy
622 Willow Springs Drive
Dayton, Ohio 45427

Phone: 937-475-3121

PROOF OF SERVICE

Copy of the foregoing document has been sent by regular mail on this 19th day of February, 2009 to James Washington, 639 Liscum Drive, Dayton, Ohio 45427.

Respectfully yours,



Nellie Washington Roy
622 Willow Springs Drive
Dayton, Ohio 45427

Phone: 937-475-3121